

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ROBERT BUTTERWORTH,

Plaintiff,

v.

WESTON RACQUET CLUB, INC.  
and 40 LOVE, INC.,

Defendants.

C.A. No. 1:04-CV-10425 MEL

MOTION TO TRANSFER

Pursuant to Local Rule 40.1(I), plaintiff submits this Motion to Transfer the above-captioned matter to the Honorable Douglas P. Woodlock of the United States District Court for the District of Massachusetts. In support of this Motion, plaintiff states as follows:

1. On September 12, 1997, Alexis Herman, Secretary of Labor, United States Department of Labor, brought a complaint in the United States District Court for the District of Massachusetts against the Weston Racquet Club, Inc., the defendant in this matter. Herman v. Weston Racquet Club, Inc., C.A. No. 97-12043-DPW. The complaint sought to enjoin the defendant from violating the overtime provisions of the Fair Labor Standards Act of 1938.

2. On September 2, 1998, the Honorable Douglas P. Woodlock entered a Judgment in the action, in which the Weston Racquet Club was "permanently enjoined and restrained from violating the provisions of the Fair Labor Standards Act," as they relate to overtime compensation. (Judgment, Exhibit A, p. 1).

3. Plaintiff Robert Butterworth was an employee of the Weston Racquet Club. He filed the above-captioned matter on February 10, 2004 alleging violations of the overtime provisions of the Fair Labor Standards Act – the provisions that defendant Weston Racquet Club was permanently enjoined from violating in Judge Woodlock's September 2, 1998 Judgment.

4. Local Rule 40.1(I) states that "[i]n the interest of justice or to further the efficient performance of the business of the court, a judge may . . . transfer [a] case to another judge, if the other judge consents to the transfer."

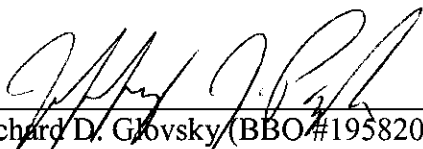
5. The instant case directly implicates a Judgment previously entered against the defendant by Judge Woodlock. It would therefore promote "the efficient performance of the business of the court" and serve "the interest of justice" to transfer this case to Judge Woodlock. Local Rule 40.1(I).

WHEREFORE, the plaintiff respectfully requests that his Motion to Transfer be ALLOWED.

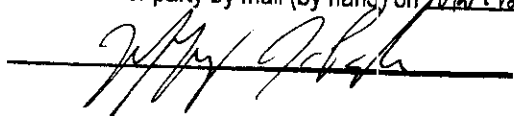
Respectfully Submitted,

ROBERT BUTTERWORTH

By his Attorneys,

  
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Dated: March 11, 2004

CERTIFICATION OF SERVICE  
I hereby certify that a true copy of the above  
document was served upon the attorney of record  
for each other party by mail (by hand) on March 12, 2004  
  
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